done by them in pursuance of this Act, or of any law at the time in force relating to ábkári-revenue;

and all prosecutions of any Ábkári-officer, and all actions which may be lawfully brought against Government or against any Ábkári-officer, in respect of anything done, or alleged to have been done, in pursuance of this Act, shall be instituted within four months from the date of the act complained of, and not afterwards;

and any such action shall be dismissed—

(*a*) if the plaintiff does not prove that, previously to bringing such action, he has presented all such appeals allowed by this Act, or by any other law for the time being in force, as within the aforesaid period of four months it was possible to present; or,

(*b*) in the case of an action for damages, if tender of sufficient amends shall have been made before the action was brought, or if after the institution of the action a sufficient sum of money is paid into Court with costs, by or on behalf of the defendant:

Provided that nothing in this section shall be deemed to affect the power or jurisdiction of Her Majesty's High Court of Judicature or of the Court of Small Causes at Bombay.

SCHEDULE.

[*Enactments repealed.*]

Repealed by Act XVI of 1895.

THE KARÁCHI VACCINATION ACT, 1879.

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BOMBAY ACT No. IV OF 1879.[1]

[*27th June, 1879.*]

An Act to prohibit the practice of inoculation and to make the vaccination of children in the town of Karáchi compulsory.

WHEREAS it is expedient to prohibit the practice of inoculation and to make the vaccination of children in the town of Karáchi compulsory; It is enacted as follows :— Preamble.

PRELIMINARY.

1. This Act may be cited as the Karáchi Vaccination Act, 1879. Short title.

It extends only to the town of Karachi. Local extent.

It shall come into force on such [2] day as the Governor in Council directs by notification in the Bombay Government Gazette; and its operation may at any time be suspended by the Governor in Council by notification in the said Gazette. Commencement.

2. In this Act, unless there be something repugnant in the subject or context,— Interpretation-clause.

(*1*) "parent" includes the father and mother of a legitimate child and the mother of an illegitimate child :

(*2*) "guardian" means any person to whom the care, nurture or custody of any child falls by law, or by natural right or recognized usage, or who has accepted or assumed the care, nurture or custody of any child, or to

[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1878, Pt. V, p. 82; for Report of the Select Committee, *see ibid*, p. 105, and for Proceedings in Council, *see ibid*, p. 91; *ibid*, 1879, p. 11.

[2] The 1st September, 1879—*see* Bombay Government Gazette, 1879, Pt. I, p. 690.

whom the care or custody of any child has been entrusted by any authority lawfully authorized in that behalf :

(3) "public vaccinator" means any vaccinator appointed under this Act or any deputy duly authorized to act for such public vaccinator :

(4) "medical practitioner" means any person duly qualified by a diploma, degree or license to practise in medicine or surgery, or specially licensed by the Governor in Council to practise vaccination and grant certificates under the provisions of this Act :

(5) "unprotected child" means a child who has not been protected from small-pox by having had that disease either naturally or by inoculation, or by having been successfully vaccinated, and who has not been certified under the provisions of this Act to be insusceptible to vaccination :

(6) "animal-lymph" means vaccine taken from the calf.

ESTABLISHMENT.

Vaccination districts.

3. For the purposes of this Act the Civil Surgeon of Karáchi, or such other officer as Government directs, shall divide the town of Karáchi into as many districts for the performance of vaccination as he shall from time to time deem fit. Each such district shall be called a "vaccination-district."

Appointment of public vaccinators.

The Civil Surgeon or other officer aforesaid shall appoint a public vaccinator for every vaccination-district, and shall appoint such places as he shall from time to time deem fit in each district to be stations for the performance of vaccination.

Public vaccine-stations.

Such stations shall be called "public vaccine-stations."

Every such public vaccinator shall be removeable from office by the Civil Surgeon or other officer aforesaid.

Notification of districts and stations.

The limits of the vaccination-districts made, and the positions of the public vaccine-stations fixed, under the provisions of this section, and the days and hours of the public vaccinator's attendance at each station, shall be published from time to time in such manner as shall be directed in rules to be framed under section 31.[1] * *

Public vaccinator to live within his district.

4. Every public vaccinator, unless specially permitted by the Civil Surgeon or other officer aforesaid to reside elsewhere, shall reside within the district for which he is appointed, and shall cause his name, with the addition of the words "Public Vaccinator for the District of ," to be posted up in some conspicuous place on or near the outer door of his dwelling-house and of every public vaccine-station in his district.

[1] The words "of this Act" were repealed by the Bombay General Clauses Act, 1886, (Bom. Act 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. Act 1 of 1904), Vol. IV of this Code.

Qualifications of public vaccinator.

5. No person shall be appointed a public vaccinator, or act as a deputy for a public vaccinator, who shall not possess a certificate of qualification signed by the Civil Surgeon or other officer aforesaid.

Superintendent of Vaccination.

6. A Superintendent of Vaccination shall be appointed by Government who, subject to the orders of the Civil Surgeon or other officer aforesaid, shall have a general control over all the proceedings of public vaccinators, and shall perform such duties, in addition to those prescribed by this Act, as shall be required by Government.

Assistant Superintendents.

The Superintendent shall have, if necessary, one or more assistants as Government may from time to time direct.

VACCINATION.

Parent or guardian of children born, and of unprotected children brought to reside, in Karáchi,

7. The parent or guardian of every child born in the town of Karáchi shall, within six months after the birth of such child, and

the parent or guardian of every unprotected child under the age of fourteen years brought to reside, whether temporarily or permanently, in the town of Karáchi, shall, within three months after such child's arrival in the town, or if the child be at the time of its arrival less than three months old, within six months after its birth, *[1]

* * * * * * * *

must procure their vaccination.

take it, or cause it to be taken, to a public vaccinator to be vaccinated, or shall, within such period as aforesaid, cause it to be vaccinated by some medical practitioner;

Public vaccinator bound to vaccinate all children brought to him.

and the public vaccinator to whom such child, or to whom any child under the age of fourteen years, is brought for vaccination, is hereby required, with all reasonable despatch, subject to the conditions hereinafter mentioned, to vaccinate such child.

Inspection.

8. At an appointed hour upon the same day in the following week after vaccination shall have been performed by a public vaccinator or a medical practitioner, or on [2][any earlier or later day], if the public vaccinator or medical practitioner so desires, the parent or guardian shall again take the child, or cause it to be taken, to the public vaccinator or to the medical practitioner by whom the operation was performed, that he may inspect it and ascertain the result of the operation.

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[1] The word "and" and the clause "the parent or guardian of every unprotected child living in the town of Karáchi at the date of this Act coming into force, and whose age at such date exceeds six months, but does not exceed fourteen years, shall, within six months from the same date" were repealed by the Repealing and Amending Act, 1895 (16 of 1895).

[2] These words were substituted for the words "an earlier day" by the Vaccination Act Amendment Act, 1882 (Bom. Act 3 of 1882), s. 2, *infra*, p. 799.

Re-vaccination.

In the event of the vaccination being unsuccessful, such parent or guardian shall, if the public vaccinator or medical practitioner so direct, cause the child to be forthwith again vaccinated and subsequently inspected as on the previous occasion.

If child unfit for vaccination, certificate in form A to be given.

9. If any public vaccinator or medical practitioner shall be of opinion that any child is not in a fit state to be vaccinated, he shall forthwith deliver to the parent or guardian of such child a certificate under his hand, according to the form of Schedule A * * [1] or to the like effect, that the child is then in a state unfit for vaccination.

Certificate to remain in force for two months, but renewable.

The said certificate shall remain in force for two months only, but shall be renewable for successive periods of two months until a public vaccinator or medical practitioner shall deem the child to be in a fit state for vaccination, when the child shall, with all reasonable despatch, be vaccinated and a certificate of successful vaccination given in the form of Schedule C * *[1] according to the provisions of section 11 * * *[2] , if warranted by the result.

When successive postponement-certificates to be granted.

At or before the end of each successive period, the parent or guardian shall take, or cause the child to be taken, to some public vaccinator or medical practitioner, who shall then examine the child and give a fresh certificate according to the said form A, so long as he deems requisite under the circumstances of the case.

Provision for giving certificates of insusceptibility to successful vaccination.

10. If any public vaccinator or medical practitioner shall find that a child whom he has three times unsuccessfully vaccinated is insusceptible of successful vaccination, or that a child brought to him for vaccination has already had the small-pox, he shall deliver to the parent or guardian of such child a certificate under his hand, according to the form of Schedule B * *[1] or to the like effect, and the parent or guardian shall thenceforth not be required to cause the child to be vaccinated.

Provision for giving certificates of successful vaccination.

11. Every public vaccinator or medical practitioner who shall have performed the operation of vaccination upon any child, and shall have ascertained that the same has been successful, shall deliver to the parent or guardian of such child a certificate, according to the form of Schedule C * *[1] or to the like effect, certifying that the said child has been successfully vaccinated.

Vaccination must ordinarily be performed with animal-lymph.

12. Except as is hereinafter otherwise provided, the vaccination of a child under the provisions of this Act must, if the parent or guardian of the child so require, be performed with animal-lymph ;

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[1] The words "hereto annexed" were repealed by the Bombay General Clauses Act, 1886 (Bom. Act 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. Act 1 of 1904), Vol. IV of this Code.

[2] The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. Act 3 of 1886).

but it shall at any time be lawful for the Governor in Council, on its being shown to his satisfaction that animal-lymph is not procurable, to direct, by notification in the Bombay Government Gazette,—

(*a*) that, during such period as he may deem fit to appoint, the vaccination of children may, without the assent of the parents or guardians of such children, be performed with lymph taken from a human being; and

(*b*) that the public vaccinatoror medical practitioner to whom at any time during the said period a vaccinated child is brought under the provisions of section 8 * * [1] for inspection, may, if he see fit, take from such child lymph for the performance of other vaccinations.

No fee for vaccination or for certificates.

13. No fee or remuneration shall be charged by any public vaccinator to the parent or guardian of any child for any such certificate as aforesaid, nor for any vaccination done by him in pursuance of this Act at a public vaccine-station:

Proviso.

But it shall be lawful for a public vaccinator to accept a fee for vaccinating a child, by request of the parent or guardian, elsewhere than at a public vaccine-station.

REGISTRATION.

Registrar of Births to give notice of requirement of vaccination.

14. On the registration of the birth of any child under the provisions of the bye-laws of the Karáchi Municipality, or of any other law for the time being in force, the Registrar shall deliver to the person giving information of such birth a printed notice in the form of Schedule D * * * [2], or to the like effect, and such notice shall have attached thereto the several forms of certificates prescribed by this Act.

Duplicates of certificates to be transmitted to Registrar.

15. Every public vaccinator or medical practitioner who gives to any parent or guardian a certificate in any of the forms of Schedules A, B and C * * * [2] shall within twenty-one days after giving the same, transmit a duplicate thereof to the Registrar of Births of the district where the birth of the child on whose account such certificate was given has been registered, or if that be not known to him, or if the child was born out of the town of Karáchi, or his birth has not been registered in the said city, to the Registrar of the district within which the child was vaccinated, or presented for vaccination.

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[1] The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. Act 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. Act 1 of 1904), Vol. IV of this Code.

[2] The words "hereto annexed" were repealed by the Bombay General Clauses Act, 1886 (Bom. Act 3 of 1886).

Registrar to keep vaccination-notice and certificate-book;

16. The Registrar of Births shall keep a book, in such form as may from time to time be prescribed by the Civil Surgeon or other officer under section 29 * * [1], in which he shall enter minutes of the notices of vaccination given by him as herein required, and shall also register the duplicates of certificates transmitted to him as herein provided.

also duplicate register of births, with entries concerning vaccination;

17. He shall also prepare and keep a duplicate of the register of births required to be kept by him under the provisions of the bye-laws at the Karáchi Municipality or of any other law for the time being in force, with such additional columns as shall from time to time be prescribed by the Civil Surgeon or other officer under section 29 * * [1], in which he shall record the date of every duplicate certificate in the form of Schedule B or Schedule C * * * [2] received by him concerning any child whose birth he has registered, and make an entry to the effect that the child has been vaccinated, or is insusceptible of vaccination, as the case may be.

and also register of postponed vaccinations.

18. He shall also keep a register of postponed vaccinations in the form of Schedule E * * * [2], in which he shall record the name of every child concerning whom he receives a duplicate certificate in the form of Schedule A [2] * * *, together with the date of such duplicate certificate and of each such successive duplicate certificate, if he receives more than one, and shall show the number and year of the entry, if any, in the register of births in which such child's birth has been registered.

Transmission of returns to Superintendent.

19. Every Registrar shall transmit on the first of every month to the Superintendent of Vaccination a return, in such form as may from time to time be prescribed by the Civil Surgeon or other officer under section 29 [1] * * *, of all cases in which duplicate certificates have not been duly received by him in pursuance of the provisions of this Act during the last preceding month.

PROSECUTIONS AND OFFENCES.

Penalty for inoculating,

20. Whoever produces, or attempts to produce, in any person by inoculation with variolous matter or by wilful exposure to variolous matter, or to anything impregnated therewith, or who wilfully by any other means produces the disease of small-pox in any person;

and for entering Town of Karáchi after inoculation.

and whoever, having been inoculated with small-pox in a place to which this Act does not extend, shall afterwards enter the Town of Karáchi before the expiration of forty days from the date of such inoculation, or without a

[1] The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. Act 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. Act 1 of 1904), Vol. IV of this Code.

[2] The words "hereto annexed" were repealed by the Bombay General Clauses Act, 1886 (Bom. Act 3 of 1886).

certificate from a medical practitioner that such person is no longer likely to cause contagion ;

and whoever, having the charge, custody or control of any person so inoculated, shall within such period, or without such certificate, as aforesaid, knowingly bring such person into, or permit such person to enter, the Town of Karáchi,

shall be punished with imprisonment [1] * * * * for a term which may extend to three months, or [2] [with] fine which may extend to two hundred rupees, or with both.

Magistrate may make order for vaccination of unprotected child under fourteen years.

21. If the Superintendent of Vaccination shall give information in writing to a Magistrate that he has reason to believe that any child within the Town of Karáchi, under the age of fourteen years, is an unprotected child, and that he has given notice to the parent or guardian of such child to procure its being vaccinated, and that the said notice has been disregarded, such Magistrate may summon such parent or guardian to appear with the child before him, and if the Magistrate shall find, after such examination as he shall deem necessary, that the child is an unprotected child, he may make an order directing such child to be vaccinated within a certain time.

Penalty for disobedience of order.

If, at the expiration of such time, the child shall not have been vaccinated or shall not be shown to be then unfit to be vaccinated, or to be insusceptible of vaccination, the person upon whom such order shall have been made shall, unless he can show some reasonable ground for his omission to carry the order into effect, be punished with fine which may extend to fifty rupees :

Proviso for costs to person improperly summoned.

Provided that, if the Magistrate shall be of opinion that the person is improperly brought before him, and shall refuse to make an order for the vaccination of the child, he may order the informant to pay to such person such sum of money as he shall consider a fair compensation for his expenses and loss of time in attending before the Magistrate.

Penalty for not producing child.

22. If any parent or guardian intentionally omits to produce a child whom he has been summoned to produce under the last preceding section, he shall be punished with simple imprisonment within the meaning of the XLV of 1860. [3]Indian Penal Code for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

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[1] The words " of either description, within the meaning of the Indian Penal Code " were repealed by the Bombay General Clauses Act, 1886 (Bom. Act 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. Act 1 of 1904), Vol. IV of this Code.

[2] " With " was substituted for " to " by the Amending Act, 1895 (16 of 1895), Vol. III of this Code.

[3] For Act 45 of 1860, *see* the reprint as modified up to 1st April, 1903.

Penalty for neglect to take child to be vaccinated, etc.

23. Whoever, in contravention of this Act,—

(*a*) neglects, without reasonable excuse, to take or cause a child to be taken, to be vaccinated, or after vaccination to be inspected; or

(*b*) at any time during the period for which any notification made under section 12 * * [1] is in force, prevents any public vaccinator from taking lymph from any child whom he has vaccinated: or

(*c*) neglects to fill up and sign and give to the parent or guardian of any child any certificate which such parent or guardian is entitled to receive from him, or to transmit a duplicate of the same to the Registrar of Births,

shall be punished for each such offence with fine which may extend to fifty rupees.

Penalty for making or signing false certificate.

24. Whoever wilfully signs or makes, or procures the signing or making of a false certificate, or duplicate certificate under this Act, shall be punished with imprisonment [2] * * * * for a term which may extend to six months, or with fine which may extend to one hundred rupees, or with both.

Penalty for accepting illegal fee or remuneration.

25. If any public vaccinator accepts or obtains, or agrees to accept or attempts to obtain, from any person any fee or remuneration, contrary to the provisions of section 13 * * [1] he shall be deemed to have committed an offence punishable under section 161 of the [3] Indian Penal Code. XLV of 1860.

Cognizance of offences.

26. All offences under this Act shall be cognizable by a Magistrate of the first class, subject to the provisions of any law for the time being in force for the trial of offences, but no complaint of any such offence shall be entertained unless the prosecution be instituted by order of, or under authority from, Government or the Superintendent of Vaccination.

Prosecution for neglect.

27. In any prosecution for neglect to procure the vaccination of a child, it shall not be necessary in support thereof to prove that the defendant had received notice from the Registrar or any other officer of the requirements of the law in this respect; but if the defendant produce any such certificate as hereinbefore described, or the duplicate of the register of births or the register of postponed vaccinations kept by the Registrar as hereinbefore provided, in which such certificate shall be duly entered, the same shall be a sufficient defence for him, except, in regard to the certificate according to the form of Schedule A, when the time specified therein for the postponement of the

[1] The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. Act 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. Act 1 of 1904), Vol. IV of this Code.

[2] The words "of either description, within the meaning of the Indian Penal Code" were repealed by the Bombay General Clauses Act, 1886 (Bom. Act 3 of 1886).

[3] For Act 45 of 1860, *see* the revised edition, as modified up to 1st April, 1903.

vaccination shall have expired before the time when the information shall have been laid.

28. [*Recovery of fines.*] *Rep. Bom. Act III of 1886.*

MISCELLANEOUS.

Books and forms.

29. The Civil Surgeon of Karáchi, or such other officer as Government directs, shall frame and provide appropriate books and forms for the use of the public vaccinators, and also such forms as shall be required for the signature of medical practitioners under the provisions of this Act, and he shall also transmit to the Registrars such books and forms as are required by them under the provisions of this Act.

Annual return of number of children vaccinated, etc.

30. It shall be the duty of the Registrar appointed under the bye-laws of the Karáchi Municipality to show in any annual general abstract of births and deaths prepared by him the number of children successfully vaccinated, the number whose vaccination has been postponed, and the number certified to be insusceptible to successful vaccination during the year.

Civil Surgeon of Karáchi to make rules.

31. The Civil Surgeon of Karáchi, or such other officer as Government directs, may, with the sanction of the Governor in Council, from time to time, make rules [1] or issue orders consistent with this Act—

(*a*) providing for the appointment of deputies of public vaccinators, when necessary ;

(*b*) determining the qualifications to be required of public vaccinators or their deputies, and regulating the grant of certificates of qualification under section 5 ;

(*c*) for the guidance of public vaccinators and others in all other matters connected with the working of this Act.

All such rules or orders shall be published in the *Bombay Government Gazette.*

SCHEDULE A.

(*See section 9.*)

I, the undersigned, hereby certify that, in my opinion, ,
the child of , resident at ,
in Karáchi, is not now in a fit and proper state to be vaccinated, and I do hereby postpone the vaccination for the period of two months from this date.

Dated this day of 18 .

(*Signature of Medical Practitioner or Public Vaccinator.*)

[1] For rules, *see* Bombay Local Rules and Orders, Ed. 1898, Vol. II, pp. 532-535.

SCHEDULE B.

(*See section 10.*)

I, the undersigned, hereby certify that I have three times unsuccessfully vaccinated , the child of , residing at in Karáchi (*or* that the child has already had small-pox, *as the case may be*), and I am of opinion that the said child is insusceptible of successful vaccination.

Dated this day of 18 .

(*Signature of Medical Practitioner or Public Vaccinator.*)

SCHEDULE C.

(*See section 11.*)

I, the undersigned, hereby certify that the child of , age , resident at , in Karachi, has been successfully vaccinated by me.

Dated this day of 18 .

(*Signature of Medical Practitioner or Public Vaccinator.*)

SCHEDULE D.

(*See section 14.*)

To

(*Here insert the name of the parent, guardian or other person who gives information of the child's birth*).

Take notice that the child of (*here enter the mother's name*), whose birth has this day been registered, must be vaccinated under the provisions of the Karáchi Vaccination Act, 1879, within six months from the date of its birth under a penalty of [1] [fifty rupees].

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[1] These words were substituted for the words "ten rupees" by the Amending Act, 1895 (16 of 1895), Vol. III of this Code.

(*Schedule E.*)

The public vaccine-station nearest to the house in which the child was born is at No. . The days and hours for vaccination at that station are as follows:—

(*Here insert the days and the hours when the public vaccinator is in attendance.*)

On your taking, or causing the child to be taken, to the public vaccinator at the said station, within the said hours on any of the said days, or at any other public vaccine-station in the city on the days and within the hours prescribed for public vaccination at such station, it will be vaccinated free of charge.

You should be careful to have one of the annexed forms of certificates filled in by the public vaccinator, or, if you employ a private medical practitioner to vaccinate the child, by such medical practitioner, and to keep the same in your possession. Any such certificate will be granted to you by a public vaccinator free of charge.

Dated the of 187 .

Registrar of Births.

SCHEDULE E.

(*See section 18.*)

Register of postponed Vaccinations for the District of in Karáchi.

Consecutive Number.	Name of Child.	Birth.		Date of Certificate of Postponement.		Signature of Registrar.
		Year.	Number of Entry in Register.			
				1868.		
1	Venayek Pandurang.	1868	12	May	10	H. O.